

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JERALD S. BATOFF,

Plaintiff,

v.

JULIE CHARBONNEAU and  
DEAN TOPOLINSKI,

Defendants.

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CIVIL ACTION

NO. 14-6879

**ORDER**

**AND NOW** this 16<sup>th</sup> day of September, 2015, upon consideration of defendants Julie Charbonneau and Dean Topolinski's motion to dismiss (Doc. No. 23), and plaintiff's opposition thereto, **IT IS HEREBY ORDERED** that:

1. Plaintiff's breach of contract claim regarding the April 5, 2013 Settlement Agreement (Count II) is **DISMISSED WITH PREJUDICE**;
2. Plaintiff's fraud in the inducement claim (a portion of Count III) is **DISMISSED WITH PREJUDICE**; and,
3. The remainder of defendants' motion to dismiss is **DENIED**.

s/William H. Yohn Jr.  
William H. Yohn Jr., Judge